

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAY CARRILLO,
Petitioner,

v.

PLACER COUNTY SUPERIOR COURT,
Respondent.

Case No. [15-cv-02285-KAW](#) (PR)

ORDER OF TRANSFER

Petitioner, a state prisoner incarcerated at High Desert State Prison (“HDSP”), has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the validity of his conviction, which was obtained in Placer County Superior Court.

A federal petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court is properly filed in either the district of confinement or the district of conviction. 28 U.S.C. § 2241(d). The district court where the petition is filed may transfer the petition to the proper district in the furtherance of justice. *Id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

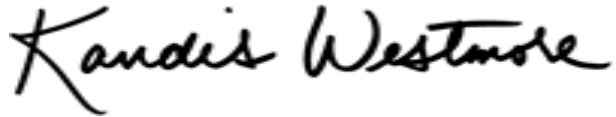
Petitioner was convicted in Placer County Superior Court, which lies within the venue of the Eastern District of California. 28 U.S.C. § 84(b). He is incarcerated at HDSP, in Lassen County, which also lies within the venue of the Eastern District of California. *Id.* § 84(d). Thus, jurisdiction over the petition exists in the Eastern District, not in the Northern District.

Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of justice, the Clerk of the Court is ordered to TRANSFER this action forthwith to the United States District Court for the Eastern District of California.

1 All remaining motions are TERMINATED on this Court's docket as no longer pending in
2 this Court.

3 **IT IS SO ORDERED.**

4 Dated: 7/1/15

A handwritten signature in black ink that reads "Kandis Westmore". The signature is written in a cursive, flowing style.

5 KANDIS A. WESTMORE
6 UNITED STATES MAGISTRATE JUDGE
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